

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED  
for Roanoke  
JUL 19 2011  
JULIA C. DUDLEY, CLERK  
BY: *M. H. H.*  
DEPUTY CLERK

ROBERT L. JOHNSON, JR.,  
Petitioner,

Civil Action No. 7:11-cv-00281

ORDER

v.

By: Hon. Jackson L. Kiser  
Senior United States District Judge

HAROLD CLARKE,  
Respondent.

In accordance with the accompanying memorandum opinion entered this day, it is hereby

ORDERED

that this action, pursuant to 28 U.S.C. § 2254, is **DISMISSED without prejudice** for failure to comply with the conditional filing order; a Certificate of Appealability is **DENIED**; and the case is **STRICKEN** from the active docket of the court. Plaintiff may refile his claims in a new and separate action.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner.

ENTER: This 19<sup>th</sup> day of July, 2011.

*Jackson L. Kiser*  
Senior United States District Judge